

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF

LANDLORD/TENANT COMPLAINT

Mag. Dist. No: 06-1-04
 MDJ Name: District Judge Paul Bizzarro
 Address: 460 East 26th Street
 Erie, PA 16504
 Telephone: (814) 451-6522

	AMOUNT	DATE PAID
FILING COSTS	\$ 192.25	
POSTAGE	\$ 3.60	
SERVICE COSTS	\$ 26.28	
CONSTABLE ED.	\$ 10.00	
TOTAL	\$ 232.13	04/28/23

Pa.R.C.P.M.D.J. No. 206 sets forth those costs recoverable by the prevailing party.

TO THE TENANT: The above named landlord(s) asks judgment together with costs against you for the possession of real property and for:

Lease is Residential Nonresidential Monthly Rent \$ _____ Security Deposit \$ _____
 A determination that the manufactured home and property have been abandoned.
 A Request for Determination of Abandonment (Form MDJS 334) must be completed and submitted with this complaint.
 Damages for injury to the real property, to wit: _____

Damages for the unjust detention of the real property in the amount of _____ In the amount of: \$ _____
 Rent remaining due and unpaid on filing date in the amount of \$ 12,000
 And additional rent remaining due and unpaid on hearing date \$ _____
 Attorney fees in the amount of \$ _____

THE LANDLORD FURTHER ALLEGES THAT:

1. The location and the address, if any, of the real property is: 3905 Parade Street, Erie, Pennsylvania 16504
 2. The party filing the complaint is the landlord of that property.
 3. The landlord leased or rented the property to you or to _____ under whom you claim.
 4. Notice to quit was given in accordance with law, or
 No notice is required under the terms of the lease.
 5. The term for which the property was leased or rented is fully ended, or
 A forfeiture has resulted by reason of a breach of the conditions of the lease, to wit: tenants' failure to vacate the premises upon lawful termination of the lease by the landlords or,
 Rent reserved and due has, upon demand, remained unsatisfied.
 6. You retain the real property and refuse to give up its possession.

I, Michael Heller, CFO verify that the facts set forth in this complaint are true and correct to the best of my knowledge, information and belief. This statement is made subject to the penalties of Section 4904 of the Crimes Code (18 PA. C.S. § 4904) relating to unsworn falsification to authorities.

I certify this filing complies with the UJS Case Records Public Access Policy.

(Signature of Landlord)

The landlord's attorney shall file an entry of appearance with the magisterial district court pursuant to Pa.R.C.P.M.D.J. No. 207.1

IF YOU HAVE A DEFENSE to this complaint you may present it at the hearing. IF YOU HAVE A CLAIM against the landlord arising out of the occupancy of the premises, which is in the magisterial district judge jurisdiction and which you intend to assert at the hearing, YOU MUST FILE it on the complaint form at the office BEFORE THE TIME set for the hearing. IF YOU DO NOT APPEAR AT THE HEARING, a judgment for possession and costs, and for damages and rent if claimed, may nevertheless be entered against you. A judgment against you for possession may result in your EVICTION from the premises.

If you are disabled and require a reasonable accommodation to gain access to the Magisterial District Court and its services, please contact the Magisterial District Court at the above address or telephone number. We are unable to provide transportation.



Supreme Court of Pennsylvania

Court of Common Pleas

Columbia County



County

For Prothonotary Use Only	
Docket No.	11340-23
JUN - 9 PM 12:44	
IN PLEASE COUNT PA COLUMBIA S	

The information collected on this form is used solely for court administration purposes. This form does not supplement or replace the filing and service of pleadings or other papers as required by law or rules of court.

Commencement of Action:

Complaint Writ of Summons
 Transfer from Another Jurisdiction Petition
 Declaration of Taking

Lead Plaintiff's Name:

Mercyhurst University

Lead Defendant's Name:

STARLA STAROCOT

Are money damages requested? Yes NoDollar Amount Requested: within arbitration limits
(check one) outside arbitration limitsIs this a *Class Action Suit*? Yes NoIs this an *MDJ Appeal*? Yes No

Name of Plaintiff/Appellant's Attorney: Philip James Seaver Hall, Esq.

 Check here if you have no attorney (are a Self-Represented [Pro Se] Litigant)

Nature of the Case: Place an "X" to the left of the ONE case category that most accurately describes your **PRIMARY CASE**. If you are making more than one type of claim, check the one that you consider most important.

TORT (do not include Mass Tort)

Intentional
 Malicious Prosecution
 Motor Vehicle
 Nuisance
 Premises Liability
 Product Liability (does not include mass tort)
 Slander/Libel/ Defamation
 Other:

CONTRACT (do not include Judgments)

Buyer Plaintiff
 Debt Collection: Credit Card
 Debt Collection: Other

Employment Dispute: Discrimination
 Employment Dispute: Other

Other:

CIVIL APPEALS

Administrative Agencies
 Board of Assessment
 Board of Elections
 Dept. of Transportation
 Statutory Appeal: Other

Zoning Board
 Other:

MASS TORT

Asbestos
 Tobacco
 Toxic Tort - DES
 Toxic Tort - Implant
 Toxic Waste
 Other:

REAL PROPERTY

Ejectment
 Eminent Domain/Condemnation
 Ground Rent
 Landlord/Tenant Dispute
 Mortgage Foreclosure: Residential
 Mortgage Foreclosure: Commercial
 Partition
 Quiet Title
 Other:

MISCELLANEOUS

Common Law/Statutory Arbitration
 Declaratory Judgment
 Mandamus
 Non-Domestic Relations
 Restraining Order
 Quo Warranto
 Replevin
 Other:

PROFESSIONAL LIABILITY

Dental
 Legal
 Medical
 Other Professional:

COURT OF COMMON PLEAS

Judicial District, County Of

COMMON PLEAS COURT
ERIE, PA

NOTICE OF APPEAL

FROM
MAGISTERIAL DISTRICT JUDGE JUDGMENT

2023 JUN -9 PM 12:44

COMMON PLEAS No. 11346-23

NOTICE OF APPEAL

CLERK OF RECORDS

Notice is given that the appellant has filed in the above Court of Common Pleas an appeal from the judgment rendered by the Magisterial District Judge on the date and in the case referenced below.

STARLA STARROCCI

NAME OF APPELLANT

3905 PARADE BLD

ADDRESS OF APPELLANT

06-01-2023

MAG. DIST. NO.

MDJ-06-104

CITY

NAME OF MDJ

PAUL A B122980

16507

STATE

ZIP CODE

DATE OF JUDGMENT 06/01/23

IN THE CASE OF (Plaintiff)

MDJ-06-104 LT-0000 Docket No. 140-2023

MERCY FIRST University

(Defendant)

vs STARLA STARROCCI

SIGNATURE OF APPELLANT OR ATTORNEY OR AGENT

STARLA STARROCCI DEP

MJ 06104 - LT - 0000 140 - 2023

This block will be signed ONLY when this notation is required under Pa. R.C.P.M.D.J. No. 1008.

This Notice of Appeal, when received by the Magisterial District Judge, will operate as a SUPERSEDEAS to the judgment for possession in this case.

06/26/23

Signature of Prothonotary or Deputy

If appellant was Claimant (see Pa. R.C.P.M.D.J. No. 1001(6) in action before a Magisterial District Judge, A COMPLAINT MUST BE FILED within twenty (20) days after filing the NOTICE of APPEAL.

PRAECIPE TO ENTER RULE TO FILE COMPLAINT AND RULE TO FILE

(This section of form to be used ONLY when appellant was DEFENDANT (see Pa.R.C.P.M.D.J. No. 1001(7) in action before Magisterial District Judge. IF NOT USED, detach from copy of notice of appeal to be served upon appellee.

PRAECIPE: To Prothonotary

Enter rule upon _____

appellee(s), to file a complaint in this appeal

Name of appellee(s)

(Common Pleas No. _____)

) within twenty (20) days after service of rule or suffer entry of judgment of non pros.

Signature of appellant or attorney or agent

RULE: To _____

, appellee(s)

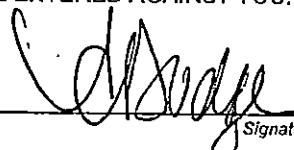
Name of appellee(s)

(1) You are notified that a rule is hereby entered upon you to file a complaint in this appeal within twenty (20) days after the date of service of this rule upon you by personal service or by certified or registered mail.

(2) If you do not file a complaint within this time, a JUDGMENT OF NON PROS MAY BE ENTERED AGAINST YOU.

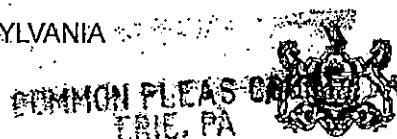
(3) The date of service of this rule if service was by mail is the date of the mailing.

Date: 06/19, 2023



Signature of Prothonotary or Deputy

YOU MUST INCLUDE A COPY OF THE NOTICE OF JUDGMENT/TRANSCRIPT FORM WITH THIS NOTICE OF APPEAL. The appellee and the magisterial district judge in whose office the judgment was rendered must be served with a copy of this Notice pursuant to Pa.R.C.P.M.D.J. 1005(A).

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF ERIENOTICE OF JUDGMENT/TRANSCRIPT
Residential Lease

Mag. Dist. No:	MDJ-06-1-04
MDJ Name:	Honorable Paul A. Bizzarro
Address:	861 1/2 East 38th Street, ERIE OF RECORD Erie, PA 16504
Telephone:	814-451-6522

2623 JUN -9 PM 12:44

RECEIVED
PROTHONOTARY

Mercyhurst University

v.

Starla Starocci, Samuel Mkpatt

Starla Starocci
3905 Parade Blvd.
Erie, PA 16504Docket No: MJ-06104-LT-0000140-2023
Case Filed: 4/28/2023**Possession Details**

Possession is granted and the defendant is not permitted to satisfy the order for possession and avoid eviction by paying the rent in arrears and the costs of the proceedings.

Disposition Summary (cc- Cross Complaint)

<u>Docket No</u>	<u>Plaintiff</u>	<u>Defendant</u>	<u>Disposition</u>	<u>Disposition Date</u>
MJ-06104-LT-0000140-2023	Mercyhurst University	Starla Starocci	Judgment for Plaintiff	06/01/2023
MJ-06104-LT-0000140-2023	Mercyhurst University	Samuel Mkpatt	Judgment for Plaintiff	06/01/2023

Judgment Summary

<u>Participant</u>	<u>Joint/Several Liability</u>	<u>Individual Liability</u>	<u>Amount</u>
Mercyhurst University	\$0.00	\$0.00	\$0.00
Samuel Mkpatt	\$12,232.13	\$0.00	\$12,232.13
Starla Starocci	\$12,232.13	\$0.00	\$12,232.13

Judgment Finding (*Post Judgment)

In the matter of Mercyhurst University vs. Starla Starocci; Samuel Mkpatt on MJ-06104-LT-0000140-2023, on 6/01/2023 the judgment was awarded as follows:

<u>Judgment Component</u>	<u>Joint/Several Liability</u>	<u>Individual Liability</u>	<u>Security Deposit Applied</u>	<u>Amount</u>
Rent in Arrears	\$12,000.00	\$0.00		\$12,000.00
Filing Fees	\$232.13	\$0.00		\$232.13
Grand Total:				\$12,232.13

Portion of judgment for physical damages arising out of residential lease: \$0.00

Comments:Landlord may access the Request for Order for Possession form on the UJS website here: <https://www.pacourts.us/forms/for-the-public>

County Of Erie

COMMON PLEAS COURT
ERIE, PA

PLAINTIFF:

NAME and ADDRESS

MERCYHURST UNIVERSITY
501 E. 38th Street
Erie PA 16546

2023 JUN -9 PM 12:46

DEFENDANT:

VS.

NAME and ADDRESS

CLERK OF RECORDS
PROTHONOTARY

STARLA STAROCCEI

2905 PARADE BLVD

Erie Pennsylvania 16501

Common Pleas Docket No.

**TENANT'S SUPERSEDEAS AFFIDAVIT (NON-SECTION 8)
FILED PURSUANT TO Pa.R.C.P.M.D.J. No. 1008C(2)**

I, STARLA STAROCCEI 2905 PARADE BLVD ERIE PA 16501 (print name and address here),

have filed a notice of appeal from a magisterial district court judgment awarding to my landlord possession of real property that I occupy, and I do not have the financial ability to pay the lesser of three (3) times my monthly rent or the judgment for rent awarded by the magisterial district court. My total household income does not exceed the income limits set forth in the supplemental instructions for obtaining a stay pending appeal and I have completed an in forma pauperis (IFP) affidavit to verify this. I have/have not (cross out the one that does not apply) paid the rent this month. 0.00 not

I verify that the statements made in this affidavit are true and correct to the best of my knowledge, information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities.

6-9-23

Date

SARLA STAROCCEI ADP
SIGNATURE OF TENANT

PROOF OF SERVICE OF NOTICE OF APPEAL AND RULE TO FILE COMPLAINT

(This proof of service must be filed within 10 days after
filing of the notice of appeal)

I hereby certify that I served the Notice of Appeal, Common Pleas No. 11346-23
upon the Magisterial District Judge designated therein on 6-9-2023 by C2 Vroom

personal service, or

certified or registered mail, sender's receipt attached hereto,

and upon the appellee, Mike Heller on 6-9-2023 by

personal service, or

certified or registered mail, sender's receipt attached hereto,

I verify that the statements herein are true and correct. I understand that false statements herein are
made subject to the penalties of Section 4904 of the Crimes Code (18 Pa.C.S. § 4904) relating to
unsworn falsification to authorities..

By: Stella Stilocci
Name

Date: 06-09-2023

By: Stella Stilocci, App

Signature without prejudice, all rights reserved

JUN 20 2023
PAUL R. HARRIS
CLERK OF COURT
MONROE COUNTY, PA

MERCYHURST UNIVERSITY,

Plaintiff-Appellee

v.

STARLA STAROCCI and ALL
ADULT OCCUPANTS,

Defendant-Appellant

) IN THE COURT OF COMMON PLEAS
OF ERIE COUNTY, PENNSYLVANIA
)
>) Civil Action
)
>) No. 2023-11346
)
)

2023 JUN 16 AM 10:59
CLERK OF COURT
PROTHONOTARY
MERCYHURST UNIVERSITY

PRAECIPE TO TERMINATE *SUPERSEDEAS*

TO THE PROTHONOTARY:

Please terminate the *supersedeas* in the above-captioned action for failure of the tenant to make the payments required under MDJ Rule of Procedure 1008. In support of this request, Plaintiff states the following:

1. This case is a landlord-tenant appeal arising out of a residential lease.
2. On June 9, 2023, the Defendant, Starla Starocci, filed a Notice of Appeal of a magisterial district judge's judgment of eviction.
3. Ms. Starocci also filed a Tenant's *Supersedeas* Affidavit (non-Section 8) in accordance with MDJ Rule of Procedure 1008(C)(2).
4. Ms. Starocci's *Supersedeas* Affidavit admits that Ms. Starocci has not paid rent this month.
5. MDJ Rule 1008 makes clear that when an indigent tenant "has not paid [rent] at the time of the filing of the appeal, the tenant shall pay . . . *at the time of filing the notice of appeal*, a sum of money equal to one third (1/3) of the monthly rent[.]" See Pa.R.C.P.M.D.J. 1008(C)(3)(b)(i) (emphasis added).

6. Because Ms. Starocci has not paid rent this month, she was legally obligated to deposit one third of her \$1000.00 monthly rent—that is, a \$333.33 payment—with the Court, at the time of filing her Notice of Appeal, in order to obtain a *supersedeas*.

7. However, as of the date of this filing, nothing on the docket indicates that Ms. Starocci has complied with this procedural requirement. The Notice of Appeal reflects that Ms. Starocci only paid \$267.00 into Court, instead of the required \$333.33.

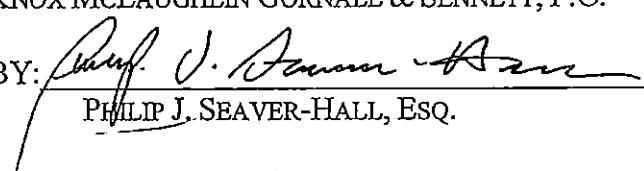
8. MDJ Rule 1008(B) states that if “the tenant fails to deposit the sums of money, or bond, required by this rule when such deposits are due, the prothonotary, upon praecipe filed by the landlord, shall terminate the *supersedeas*.” Pa.R.C.P.M.D.J. 1008(B).

9. Accordingly, Mercyhurst University requests termination of the *supersedeas*.

WHEREFORE, Mercyhurst University respectfully requests that the *supersedeas* in the above-captioned case be terminated.

Respectfully submitted,

KNOX MC LAUGHLIN GORNALL & SENNETT, P.C.

BY: 
PHILIP J. SEAVER-HALL, ESQ.

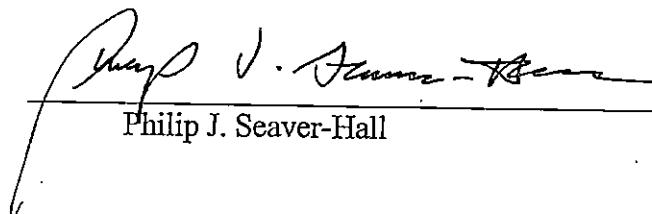
120 West Tenth Street
Erie, Pennsylvania 16501
(814) 459-2800

*Attorney for Plaintiff-Appellee,
Mercyhurst University*

MERCYHURST UNIVERSITY,) IN THE COURT OF COMMON PLEAS
Plaintiff-Appellee) OF ERIE COUNTY, PENNSYLVANIA
v.)
STARLA STAROCCI and ALL) Civil Action
ADULT OCCUPANTS,)) No. 2023-11346
Defendant-Appellant))

CERTIFICATE OF COMPLIANCE

I certify that this filing complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.


Philip J. Seaver-Hall

2438450.v1



Erie | North East | Pittsburgh | Jamestown, NY

Knox McLaughlin Gornall & Sennett, P.C.
120 West Tenth Street | Erie, PA 16501-1461
814-459-2800 | www.kmgslaw.com

Philip J. Seaver-Hall

Direct Dial: 814-923-4892

pseaver-hall@kmgslaw.com

June 21, 2023

Starla Starocci
3905 Parade Blvd.
Erie, Pennsylvania 16504

All Adult Occupants
3905 Parade Blvd.
Erie, Pennsylvania 16504

**RE: Mercyhurst University v. Starla Starocci
and All Adult Occupants
Docket No.: 2023-11346**

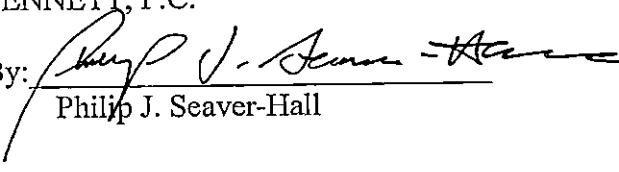
Dear All:

Enclosed, please find a time-stamped copy of Plaintiff's Praeclipe to Strike Appeal filed today in the above-referenced matter.

Very truly yours,

KNOX McLAUGHLIN GORNALL &
SENNETT, P.C.

By:


Philip J. Seaver-Hall

Enclosure
PJSH/ab
2439734.v1

MERCYHURST UNIVERSITY,) IN THE COURT OF COMMON PLEAS
) OF ERIE COUNTY, PENNSYLVANIA
v.)
Plaintiff-Appellee) Civil Action
v.) No. 2023-11346
STARLA STAROCCI and ALL)
ADULT OCCUPANTS,)
Defendant-Appellant)

2023 JUN 21 AM 10:44
MERCYHURST UNIVERSITY
PROTHONOTARY

PRAECLP TO STRIKE APPEAL

TO THE PROTHONOTARY:

Please mark Defendant's appeal stricken from the record. In support of this Praeclipe,

Plaintiff states the following:

1. On June 9, 2023, Defendant filed a Notice of Appeal from a Magisterial District Judge's Judgment in Plaintiff's favor.
2. Rule 1005B of the Rules of Civil Procedure for Magisterial District Judges states that "[T]he appellant shall file with the prothonotary proof of service of copies of the notice of appeal, and proof of service of a rule upon the appellee to file a complaint if required to request such a rule by Rule 1004B, within 10 days after filing the notice of appeal." Pa.R.C.P.M.D.J. 1005B.
3. Defendant's Proof of Service was due no later than June 19, 2023.
4. However, as of the date of this filing, no Proof of Service appears on the docket.
5. Rule 1006 states that "[u]pon failure of the appellant to comply with Rule 1005B . . . the prothonotary shall, upon praecipe of the appellee, mark the appeal stricken from the record." Pa.R.C.P.M.D.J. 1006.

WHEREFORE, Plaintiff, Mercyhurst University, requests that Defendant's appeal be stricken from the record.

Respectfully submitted,

KNOX MC LAUGHLIN GORNALL & SENNETT, P.C.

BY:


PHILIP J. SEAVER-HALL, ESQ.

120 West Tenth Street
Erie, Pennsylvania 16501
(814) 459-2800

*Attorney for Plaintiff-Appellee,
Mercyhurst University*

2439733.v1

MERCYHURST UNIVERSITY,) IN THE COURT OF COMMON PLEAS
v.) OF ERIE COUNTY, PENNSYLVANIA
Plaintiff-Appellee)
) Civil Action
STARLA STAROCCI and ALL)
ADULT OCCUPANTS,)
Defendant-Appellant)
) No. 2023-11346

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 21st day of June, 2023, a copy of the within document was served on all counsel of record and unrepresented parties in accordance with the applicable rules of court.

Starla Starocci
3905 Parade Blvd.
Erie, Pennsylvania 16504

All Adult Occupants
3905 Parade Blvd.
Erie, Pennsylvania 16504

2439733.v1

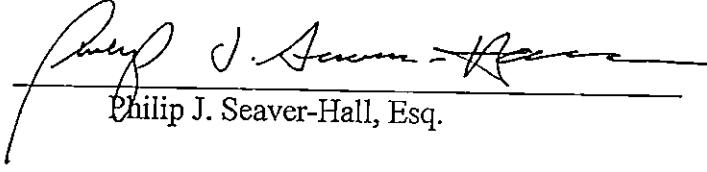

Philip J. Seaver-Hall

MERCYHURST UNIVERSITY,) IN THE COURT OF COMMON PLEAS
Plaintiff-Appellee) OF ERIE COUNTY, PENNSYLVANIA
v.)) Civil Action
STARLA STAROCCI and ALL)) No. 2023-11346
ADULT OCCUPANTS,))
Defendant-Appellant))

CERTIFICATE OF COMPLIANCE

I certify that this filing complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.

2439733.v1


Philip J. Seaver-Hall, Esq.

Peaster, Max

From: Starla S <anythingispossible214@gmail.com>
Sent: Thursday, June 29, 2023 4:11 PM
To: Peaster, Max
Subject: Fwd: Appeal strike

MERCYHURST UNIVERSITY
c/o Michael Heller, CFO
Plaintiff-Appellee

Knox Law
c/o Phillip J Seaver-Hall, Attorney

V.

STARLA STAROCCI and ALL
ADULT OCCUPANTS,
Defendant-Appellant

IN THE COURT OF COMMON PLEAS
OF ERIE COUNTY, PENNSYLVANIA

CIVIL ACTION

No. 2023-11346

**PETITION TO REINSTATE STRICKEN APPEAL; CROSS-COMPLAINT; PETITION FOR
DISMISSAL OF ERRED JUDGEMENT BY MDJ**

TO THE PROTHONOTARY:

This is a Petition to the Court to please reinstate the appeal filed by Starla Starocci, Appellant that was stricken from the record. In support of this Petition to Reinstate Appeal, Appellant states the following:

1. On my June 9, 2023, Appellant filed a Notice of Appeal from a Magisterial District Judge's Judgment in Plaintiff's favor on June 1, 2023. Attached as Exhibit A
2. Rule 1005B of the Rules of Civil Procedure for Magisterial District Judges states that "IT]he appellant shall file with the prothonotary proof of service of copies of the notice of appeal, and proof of service of a rule upon the appellee to file a complaint if required to request such a rule by Rule 1004B, within 10 days after filing the notice of appeal." Pa.R.C.P.M.D.J. 1005B.
3. Defendant's Proof of Service was due no later than June 19, 2023.
4. According to Rule 1006 states that "[u]pon failure of the appellant to comply with Rule 1005B .. the prothonotary shall, upon praecipe of the appellee, mark the appeal stricken from the record." Pa.R.C.P.M.D.J.1006.
5. However, Rule 1006 also allows the Court of Common Pleas to reinstate the appeal "upon good cause shown"

Appellant, Starla Starocci argues that initially she was unrepresented by counsel, the appellant failed to file with the prothonotary proof of service on the appellees within 10 days after filing the notice of appeal as required by the rules due to the appellant misinterpreting the holiday listing in the internet that the Courthouse was closed in observance for the Federal holiday and not stating that the only certain offices not all offices of the courthouse would be closed on that date. The appellant also believed that the senders receipt being signed on the date of the delivery on the proof of service was in fact the date of receipt the appellees received the notice; however after contacting North West Legal Services for counsel and being turned down for representation I was advised on where to research rules on how to appeal a strike to reinstate the appeal.

6. Furthermore, on 6/19/2023 the appellant states that there is good cause shown for the delivery of Proof of Service on June 20, 2023 due to previous CDC guidelines for being a caregiver for an immunosuppressed family member and now herself being ill with headache, fatigue having flu like symptoms, that was previously considered a high risk to be in the community for possible contamination to others, she received an excuse from her family doctor to stay home and out of contact with the public from 6/16 - 6/20/23 in order to not spread her viral symptoms to the next person. Attached as Exhibit B (print out of internet postings)

7. The appellants Proof of Service was personally delivered by family friend to the prothonotary office, one day after the Federal Holiday, which was also time stamped receipt as filed on, June 20, 2023. Attached as Exhibit C (time stamped proof of service of notice to appeal)

8. Appellant, Starla also argues that there is no question that the Plaintiff, Mercyhurst University, c/o Michael Heller, CFO and the Magistrate District Judge Bizzaro received the constructive notice that the appeal had been filed on 6/9/2023 due to the Appellant personally making a hand to hand delivery of the notices, and by reason that the Plaintiff Michael Hellers attorney, Phillip J, Seaver-Hall, ESQ's. response to the Notice to Appeal by filing a Praeceipe to Terminate Supersedeas on June 16, 2023 10:50 AM with the PROTHONOTARY which states on line 2 that "On June 9, 2023, the Defendant, Starla Starocci, filed a Notice of Appeal of a magisterial district judge's judgement of eviction and line 3 which states "Ms." Starocci also filled a Tenant's Supersedeas Affidavit (non-Section 8) in accordance with MDJ Rule of Procedure 1008(C)(2). Attached as Exhibit D (copy of line 2 on time stamped PRAECIPE TO TERMINATE SUPERSEDEAS on June 16, 2023)

9. The Plaintiff;s attorney and the CLERK OF RECORDS PROTHONOTARY made an error with the incorrect statement on line 4. of the time stamped PRAECIPE TO STRIKE APPEAL filed, June 21, 2023 AT 10:44 AM, that "However, as of date of this filling, no Proof of Service appears on the docket". The Appellant also has a time stamped proof of service notice of appeal showing proof the notice was filed by 6/20/2023 which contradicts the statement made that the notice had not been filed as of 6/21/2023.

WHEREFORE, Appellant requests that this court please reinstate the appeal in the above captioned matter.

Starla Starocci, Appellant
In Propria Persona, All Rights Reserved; Without Prejudice

MERCYHURST UNIVERSITY
c/o Michael Heller, CFO
Plaintiff-Appellee

Knox Law
c/o Phillip J Seaver-Hall, Attorney

V.

STARLA STAROCCI and ALL
ADULT OCCUPANTS,
Defendant-Appellant
IN THE COURT OF COMMON PLEAS
OF ERIE COUNTY, PENNSYLVANIA

06/29/2023

CIVIL ACTION

No. 2023-11346

PETITION TO REINSTATE STRICKEN APPEAL;
PETITION FOR DISMISSAL OF JUDGEMENT BY DISTRICT JUDGE'S JUDGEMENT FOR LACK OF PE

TO THE PROTHONOTARY:

This is a Petition to the Court to please reinstate the appeal filed by Starla Starocci, Appellant that was stricken from the record. In support of this Petition to Reinstate Appeal, Appellant states the following:

1. On my June 9, 2023, Appellant filed a Notice of Appeal from a Magisterial District Judge's Judgment in Plaintiff's favor on June 1, 2023. Attached as Exhibit A
2. Rule 1005B of the Rules of Civil Procedure for Magisterial District Judges states that "IT]he appellant shall file with the prothonotary proof of service of copies of the notice of appeal, and proof of service of a rule upon the appellee to file a complaint if required to request such a rule by Rule 1004B, within 10 days after filing the notice of appeal." Pa.R.C.P.M.D.J. 1005B.
3. Defendant's Proof of Service was due no later than June 19, 2023.
4. According to Rule 1006 states that "[u]pon failure of the appellant to comply with Rule 1005B .. the prothonotary shall, upon praecipe of the appellee, mark the appeal stricken from the record." Pa.R.C.P.M.D.J. 1006.
5. However, Rule 1006 also allows the Court of Common Pleas to reinstate the appeal "upon good cause shown"

Appellant, Starla Starocci argues that initially she was unrepresented by counsel, the appellant failed to file with the prothonotary proof of service on the appellees within 10 days after filing the notice of appeal as required by the rules due to the appellant misinterpreting the holiday listing in the internet that the Courthouse was closed in observance for the Federal holiday and not stating that the only certain offices not all offices of the courthouse would be closed on that date. The appellant also believed that the senders receipt being signed on the date of the delivery on the proof of service was in fact the date of receipt the appellees received the notice; however after contacting North West Legal Services for counsel and being turned down for representation I was advised on where to research rules on how to appeal a strike to reinstate the appeal.

6. Furthermore, on 6/19/2023 the appellant states that there is good cause shown for the delivery of Proof of Service on June 20, 2023 due to previous CDC guidelines for being a caregiver for an immunosuppressed family member and now herself being ill with headache, fatigue having flu like symptoms, that was previously considered a high risk to be in the community for possible contamination to others, she received an excuse from her family doctor to stay home and out of contact with the public from 6/16 - 6/20/23 in order to not spread her viral symptoms to the next person. Attached as Exhibit B (print out of internet postings)

7. The appellants Proof of Service was personally delivered by family friend to the prothonotary office, one day after the Federal Holiday, which was also time stamped receipt as filed on, June 20, 2023. Attached as Exhibit C (time stamped proof of service of notice to appeal)

8. Appellant, Starla also argues that there is no question that the Plaintiff, Mercyhurst University, c/o Michael Heller, CFO and the Magistrate District Judge Bizzaro received the constructive notice that the appeal had been filed on 6/9/2023 due to the Appellant personally making a hand to hand delivery of the notices, and by reason that the Plaintiff Michael Hellers attorney, Phillip J. Seaver-Hall, ESQ's. response to the Notice to Appeal by filing a Praecept to Terminate Supersedeas on June 16, 2023 10:50 AM with the PROTHONOTARY which states on line 2 that "On June 9, 2023, the Defendant, Starla Starocci, filed a Notice of Appeal of a magisterial district judge's judgement of eviction and line 3 which states "Ms." Starocci also filed a Tenant's Supersedeas Affidavit (non-Section 8) in accordance with MDJ Rule of Procedure 1008(C)(2). Attached as Exhibit D (copy of line 2 on time stamped PRAECEPT TO TERMINATE SUPERSEDEAS on June 16, 2023)

9. The Plaintiff;s attorney and the CLERK OF RECORDS PROTHONOTARY made an error with the incorrect statement on line 4. of the time stamped PRAECEPT TO STRIKE APPEAL filed, June 21, 2023 AT 10:44 AM, that "However, as of date of this filling, no Proof of Service appears on the docket". The Appellant also has a time stamped proof of service notice of appeal showing proof the notice was filed by 6/20/2023 which contradicts the statement made that the notice had not been filed as of 6/21/2023.

WHEREFORE, Appellant requests that this court please reinstate the appeal in the above captioned matter.

I, Starla Starocci, Appellant verify that the facts set forth in this answer are true and correct to the best of my knowledge, information and belief. This statement is made subject to the Common Laws so help me God.

Starla Starocci, Appellant
In Propria Persona, All Rights Reserved; Without Prejudice



Google



S

Q what holidays is the courthouse

News

Images

Shopping

Videos

2023 Federal Holidays

New Year's Day**January 2, 2023****Memorial Day****May 29, 2023 (Last Monday in May)****Juneteenth****June 19, 2023****Independence Day****July 4, 2023****Labor Day****September 4, 2023
(First Monday in September)****6 more rows** <https://www.paed.uscourts.gov> > co...

**Court Holidays | Eastern
District of Pennsylvania |
United States ...**

[About featured snippets](#) [Feedback](#) [Q what holidays is the courthouse](#)

Monday through Friday

8:00 a.m. - 5:00 p.m.

The Clerk of Court's hours

Court Holidays 2023

New Year's Day (observed) Monday, January 2, 2023

Martin Luther King Jr. Birthday Monday, January 16, 2023

No Court Events* Monday, February 20, 2023

Good Friday Friday, April 7, 2023

Memorial Day Monday, May 29, 2023

Juneteenth Monday, June 19, 2023

Independence Tuesday, July 4, 2023



Court Holidays

2022 Holiday Schedule

Date	Holiday
Friday, December 31, 2021	New Year's Day
Monday, January 17	Birthday of Martin Luther King, Jr.
Monday, February 21	Washington's Birthday
Monday, May 30	Memorial Day
Monday, June 20	Juneteenth
Monday, July 4	Independence Day
Monday, September 5	Labor Day
Monday, October 10	Columbus Day
Friday, November 11	Veterans Day
Thursday, November 24	Thanksgiving Day
Monday, December 26	Christmas Day

Observed Holidays

Holiday: Martin Luther King Jr. Day

Date of
Observation:
n: Jan. 16, 2023

Day of the
Week: Monday

Holiday: President's Day

Date of
Observation:
n: Feb. 20, 2023

Day of the
Week: Monday

Holiday: Memorial Day

Date of
Observation:
n: May 29, 2023

Day of the
Week: Monday

Holiday: Juneteenth

Date of
Observation:
n: June 19, 2023

Day of the
Week: Monday

Holiday: Independence Day





ERIE COUNTY CLERK OF RECORDS

PROTHONOTARY, CIVIL DIVISION

Aubrea Hagerty-Haynes
Clerk of Records

Erie County Courthouse | 140 W. Sixth St., Room 120, Erie, PA 16501 | Phone: 814-451-6250
www.eriecountypa.gov | prothonotary@eriecountypa.gov

RECEIPT FOR PAYMENT

Case Number: 2023-11346

Receipt Date: 6/20/2023

Caption: MERCYHURST UNIVERSITY (vs) STARLA STAROCCI, AL

Receipt Time: 16:13:51

Remarks: STARLA STAROCCI
TF

Receipt No.: 1448660

Fee/Tax Description	Transaction Distribution	
	Payment Amount	Payee Name
LANDLORD	70.00	ERIE COUNTY TRUSTEE ACCOUNT
	\$70.00	
Cash	\$70.00	
Total Received.....	\$70.00	
Case Balance Due:	\$.00	



ERIE COUNTY CLERK OF RECORDS

PROTHONOTARY, CIVIL DIVISION

Aubrea Hagerty-Haynes
Clerk of Records

Erie County Courthouse | 140 W. Sixth St., Room 120, Erie, PA 16501 | Phone: 814-451-6250
www.eriecountypa.gov | prothonotary@eriecountypa.gov

RECEIPT FOR PAYMENT

Case Number: 2023-11346

Receipt Date: 6/29/2023

Caption: MERCYHURST UNIVERSITY (vs) STARLA STAROCCI, AL

Receipt Time: 16:35:33

Remarks: STARLA STAROCCI
TEC

Receipt No.: 1449094

Fee/Tax Description	Transaction Distribution	
	Payment Amount	Payee Name
LANDLORD	720.00	ERIE COUNTY TRUSTEE ACCOUNT

	\$720.00	
Cash	\$720.00	

Total Received.....	\$720.00	
Case Balance Due:	\$.00	



ERIE COUNTY CLERK OF RECORDS

PROTHONOTARY, CIVIL DIVISION

Aubrea Hagerty-Haynes
Clerk of Records

Erie County Courthouse | 140 W. Sixth St., Room 120, Erie, PA 16501 | Phone: 814-451-6250
www.eriecountypa.gov | prothonotary@eriecountypa.gov

RECEIPT FOR PAYMENT

Case Number: 2023-11346

Receipt Date: 6/09/2023

Caption: MERCYHURST UNIVERSITY (vs) STARLA STAROCCI, AL

Receipt Time: 12:53:14

Remarks: STARLA STAROCCI
ESD

Receipt No.: 1448225

Fee/Tax Description	Transaction Distribution	
	Payment Amount	Payee Name
LANDLORD	267.00	ERIE COUNTY TRUSTEE ACCOUNT
	\$267.00	
Cash	\$267.00	
Total Received.....	\$267.00	
Case Balance Due:	\$.00	